



03196/18388

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Philip J. Robinson
Serial No: 10/731,926
Filed: December 9, 2003
For:

Exr. James N. Smalley
Art Unit: 3727
Confirmation No.: 6652

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

January 4, 2006

DECLARATION

I, Philip J. Robinson, declare and state as follows:

1. I have an Associate Degree in mechanical engineering from Owens Community College and a degree of Bachelor of Science in Business from Heidelberg College, Tiffin, Ohio and have been employed as an engineer with Owens Illinois Closure Inc. since 1991.

2. I am the inventor of U.S. Patent No. 5,915,576. Additionally, I am familiar with Kusz U.S. Patent No. 5,687,863 (the "Kusz Patent") and have been involved in projects relating to the molding and manufacture of closures conforming to the closure disclosed in the Kusz Patent. U.S. Patent Nos. 5,687,863 and 5,915,576 are both owned by Owens-Illinois Closure Inc., the owner of the present application Serial No. 10/731,926.

3. Closures of the type disclosed in the Kusz Patent have never been manufactured on a commercially satisfactory basis due to various manufacturing problems which include the following:

a. Difficulty in consistently filling the mold cavity completely, especially that portion of the mold cavity defining the lugs represented by the numeral 70 of the Kusz Patent. This is due particularly to the thinness of such lugs 70 and a long flow path for the plastic to follow. In molding the closure 24 of Kusz, the plastic material is injected into the molding cavity at the center of the top panel or base wall 26 and is required to flow along the cavity defining such base wall 26 and then into the cavity portions defining the juncture between such base wall 26 and the peripheral wall or skirt 28.

b. In order to mold the thin lugs 70, it is required to utilize a sliver of steel to form the back side of the lug 70 which is the side of the lug 70 facing the interior surface of the peripheral wall or skirt 28. The use of such sliver of metal for forming the back side of the lugs 70 has presented significant problems. This has included cracking of such sliver of metal forming the molding surface. Such problems have resulted in higher maintenance costs than could be tolerated on a commercially satisfactory manufacturing basis.

c. If the closure of the Kusz Patent is turned prior to squeezing the squeeze pads sufficiently in order to deactivate the child-resistant feature, the

lugs 70 will lock up against the axially extending surface 54 of the respective abutments 52, thereby preventing removal of the closure 24 from the container 22.

d. In order to permit the closure 24 of the Kusz Patent to be satisfactorily applied to and released from a container 22, it is necessary that there be provided a radial projection 56 with a cordal surface 58 adjacent the abutting surface 54 of the respective abutments 52 of the container. If such radial projection 56 is not provided adjacent the abutting surfaces 54 of the abutments 52, the lug 70 of the closure 24 will flex radially inwardly causing severe deformation and result in failure of the closure.

e. Other problems with the closure 24 and bottle combination of the Kusz Patent include the fact that the design requires a greater bottle weight than bottles of the package of the present invention due to substantially greater cross section of the bottle lugs than bottles of the present invention.

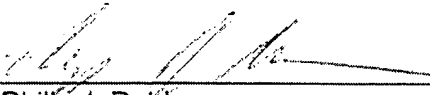
Further Declarant sayeth naught.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of

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the application or any patent issued thereon.


Philip J. Robinson